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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/677,197

10/02/2003

Keith Pound

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CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

EXAMINER

REDMAN, JERRY E

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/677,197
Filing Date: October 02, 2003
Appellant(s): POUND ET AL.

MAILED

DEC 20 2006

GROUP 3600

Mr. John Siragusa
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/9/2006 appealing from the Office action mailed 6/15/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

A) Webster's New Twentieth Century Dictionary of the English Language, 2nd Edition;

B) U.S. patent No. 6,557,302 to Kaps.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 5, lines 1-2, the applicant clearly and positively recites "the attachment member" yet in the preamble of claim 1, the applicant fails to positively recite the attachment member. If the applicant intends on claiming the window lift mechanism in combination with the attachment member then the applicant should clearly and positively set forth the attachment member in the preamble.

Claims 1, 5, 8-13, and 17-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaps (6,557,302). Kaps ('302) discloses a window lift mechanism assembly (2) comprising a window (1) having a cylindrical projection attachment member (3), a cursor (21 and 22 and the bottom portion connecting 21 and 22), at least

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one continuous strand (the entire inner surface and projections within cursor 21 and 22) integrally molded and disposed within the cursor (21 and 22) having a locking portion (28.1) and a biasing portion (the bottom surface of elements 23 and 24) securing the attachment member (3) within the cursor (21 and 22). Kaps ('302) further discloses the locking portion (28.1) having a curved surface corresponding to the cylindrical projection attachment member (3). Kaps ('302) still further discloses a slot (the ramped surfaces of 23 and 24 form a slot) and a cavity (the portion which extends below the ramped portions) receiving and locking the attachment member (3) in a secure fashion.

(10) Response to Argument

The applicant's arguments have been considered but are not deemed persuasive. The appellant defines a strand as "a string, thread or any other ropelike filament" from Webster's New Twentieth Century Dictionary. The appellant is wrong in his/her reading of the definition. The correct definition of a strand according to the cited reference from Webster's New Twentieth Century Dictionary is "a string, thread, or other ropelike filament". Furthermore, the appellant's "strand" is not a string, or thread, or ropelike filament. Therefore, the "strand" of Kaps ('302) is as much of a "strand" as the appellant's so called or defined "strand". Still furthermore, the appellant argues that the "strand" is not disposed within the cursor. As shown in Figure 2, Kaps ('302) clearly discloses the strand (as defined/discussed above in the grounds of rejection) to be "within" the cursor and even contained "within" a cavity of the cursor. The appellant's argument with respect to claim 13, the appellant asks how can a surface read on a

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strand as defined by a string, thread or filament? The Examiner has clearly pointed out in several actions and above that the strand is defined as the entire inner surface and projections within cursor 21 and 22. Therefore, it's the elements within the cursor that form the strand; wherein which the surfaces are a part. With respect to the appellant's arguments of claim 17, no new argument has been set forth and are merely repeated and have been addressed by the Examiner as discussed in detail above.

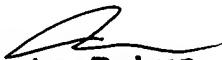
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Jerry Redman


Jerry Redman
Primary Examiner

Conferees:

Mr. Pete Cuomo



Mr. Richard Chilcott

